

**FORENSIC HUMAN RESOURCES**

413 Sylvania Drive  
Pittsburgh, PA 15229

Phone: (412) 260-8000

Fax: (412) 364-7221

November 11, 2005

Mr. Dallas W. Hartman, Esq.  
Dallas W. Hartman, PC  
2815 Wilmington Road  
New Castle, PA 16105

Dear Mr Hartman:

This report has been prepared and is submitted in response to your request for an economic loss evaluation in the case of your client, Tina Lindquist Ossa.

You asked that we become familiar with your client's background and current circumstances in order to provide an opinion as to the labor economic effects as a result of a workplace accident on September 25, 2002. We interviewed Ms. Ossa and reviewed her educational background and work history. We also reviewed the following documents:

- Discharge summary from Hamot Medical Center, dated October 7, 2002;
- Discharge summary from Hamot medical Center, dated December 12, 2003;
- Copy of transcript of Ms. Lindquist Ossa's deposition conducted June 28, 2005; and,
- Pennsylvania Department of Labor, Bureau of Workers' Compensation Form LIBC-495

Tina Lindquist Ossa was born June 24, 1982, and is currently 23 years old. She graduated from Corry Area High School in 2000. After graduation, she started work at a Pizza Hut but after five months, she changed jobs and began work at Corry Manufacturing. She earned \$7.13 per hour, \$14,830 per year. She also received employee benefits, including medical insurance, which we estimate have an average value of 29.6% of her wages ("*Employer Costs for Employee Benefits – June 2005*," US Department of Labor, Bureau of Labor Statistics, USDL 05-1767, September 16, 2005).

Ms. Lindquist Ossa was involved in a workplace accident on September 25, 2002, when she suffered a crush injury to both hands. The October 7, 2002, discharge summary diagnosis was "Crush injury to bilateral hands with amputations of the index, long, ring and small fingers of bilateral hands." The ring and middle fingers of the right hand were reattached. On December 8, 2003, Ms. Ossa underwent an additional surgery at which time a toe from her right foot was transferred to her left hand. She indicated that she has had eleven or twelve surgeries to date.

Ms. Lindquist Ossa is concerned about the impact her physical restrictions will have upon her ability to earn a living. She will no longer be able to work in a job that requires manual dexterity, nor will she be able to work in a sedentary position that requires keyboarding skills, without

*Expert Witness in Matters of Employability, Lost Earnings  
and Diminished Earning Capacity*

adaptive technological assistance. Also, with her physical restrictions, she will face a number of obstacles in a job search, among them is the fact that "[a]nother possible explanation for the low employment rate [of people with disabilities] is that employers are reluctant to hire people with disabilities because of the perceived risk associated with hiring an individual who may require costly supports or lag behind in productivity" (Bricourt, John C and Bentley, Kia J., "*Disability Status and Perceptions of Employability by Employers*," *Social Work Research*, Vol 24, no 2, June 2000, pp 87-95.). The US Census Bureau, using data from the 2000 Census, shows that, in Pennsylvania, 30.2% of those women with a physical disability between 21 and 64 years old are employed and that only 17.2% worked full-time year-round in 1999. (U S Census Bureau, *Disability Status of the Civilian Noninstitutionalized Population by Sex and Selected Characteristics for the United States and Puerto Rico 2000 (PHC-T-32)*. In Erie County, PA, 7.2% of the women ages 21 to 64 report a physical disability and of that number, only 31.2% were employed (Houtenville, Andrew J. 2005. "Disability Statistics in the United States" Ithaca, NY: Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC). [www.disabilitystatistics.org](http://www.disabilitystatistics.org) Posted April 4, 2005 ). The CWIA publication, "Summary of Pennsylvania UC Covered Employment by County and Industry, 1st Quarter, 2005," shows that employment in Erie County grew by 2.1% from the previous year with the majority of that employment growth in the mining (42.0%), transportation (17.0%) and certain manufacturing industry segments (Beverage (14.8%), Petroleum and Coal Products (73.7%) and Machinery Manufacturing (23.5%))

These data are general in nature, addressing a wide range of disabilities and the impact on employment. They do not focus on a specific type of work disability. The most specific study on how injuries impact earning capacity was published by the US Department of Veteran's Affairs. *The Code of Federal Regulations, 38 Part 4* contains a Schedule of Disability Ratings in which the VA rates the impact on earning capacity that a particular injury is projected to have. The CFR percentage ratings "represent as far as can practicably be determined the average impairment in earnings capacity resulting from such diseases and injuries and their residual conditions in civil occupations" (§4.1). Amputation of multiple fingers (§4.71A, Code 5131) carries a loss rating of 80%. (d) of that section states:

Amputation or resection of metacarpal bones (more than one-half the bone lost) in multiple finger injuries will require a rating of 10 percent added to (not combined with) the ratings, multiple finger amputations, subject to the amputation rule applied to the forearm.

*The New Worklife Expectancy Tables. Revised 2002.* (Vocational Econometrics, Inc., Louisville, KY, 2002) cites the future worklife expectancy of a female who graduated high school, age 23, who is unimpaired, that is with no work disability, as 30.3 years

In calculating Ms. Lindquist-Ossa's future lost earnings capacity, we take into account the fact that she was at the beginning of her career and that this career opportunity was eliminated. Had she been able to continue to work in manufacturing, it is reasonable to expect that her wages would increase over the course of her worklife expectancy. To reflect that increase in her knowledge, skills and ability and the resultant increase in wages she would have enjoyed, we

Tina Lindquist Ossa

Page 3

used data from the Pennsylvania Department of Labor and Industry website, <http://www.paworkstats.state.pa.us/>, that show the median wage for employees in the manufacturing segment of the Erie County economy is \$12.93 per hours (\$26,897 per year). Another scenario to consider is that Ms. Lindquist-Ossa may move to other locations within Pennsylvania to pursue better paying job opportunities. The median wage for the manufacturing sector in the Commonwealth is \$30,948 per year

Past Lost Income: (September 25, 2002 – November 3, 2005)

Wages: (\$14,830 X 3 1 years)	\$46,057
Benefits: (\$46,057 X 29.6%)	<u>\$13,633</u>
Total past lost income:	\$59,689

Future Lost Earnings Capacity:

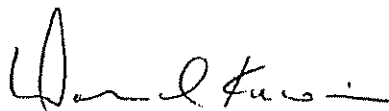
Median manufacturing wage in Erie County:	
Wages: (\$26,897 X 30 3 years)	\$814,979
Loss rating: (\$814,979 X 80%)	\$651,983
Lost benefits: (\$651,983 X 29.6%)	<u>\$192,987</u>
Total future lost earnings capacity:	\$844,970

Median manufacturing wage in Commonwealth of Pennsylvania:	
Wages: (\$30,948 X 30.3 years)	\$937,724
Loss rating: (\$937,724 X 80%)	\$750,180
Lost benefits: (\$750,180 X 29.6%)	<u>\$222,053</u>
Total future lost earnings capacity:	\$972,233

Ms. Lindquist Ossa's total lost income, both past lost wages and benefits and future lost earnings capacity, is in the range \$904,660 to \$1,031,922, to a reasonable degree of professional certainty.

We reserve the right to amend this report should additional information be made available.

Very truly yours,



Donal F. Kirwan, SPHR